

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND LANE,

Plaintiff,

Civil Action No. 13-cv-12365

HON. BERNARD A. FRIEDMAN

vs.

JOSEPH J. BADER, et al.,

Defendants.

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ORDER OF DISMISSAL

This matter is presently before the Court on its own review of the complaint [docket entry 1]. Plaintiff is currently incarcerated at the Ojibway Correctional Facility in Marenisco, Michigan. He commenced this *pro se* action against several members of the Michigan State Police Department, a state district court judge and a local prosecutor (collectively “defendants”) for conspiring to falsify evidence related to his conviction for illegal possession of a controlled substance. Plaintiff seeks to institute criminal charges against all of the defendants pursuant to 18 U.S.C. § 4 (entitled “Misprision of felony”).

The Court has no subject matter jurisdiction over this case and shall therefore dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(h)(3). The Court does not possess the requisite jurisdiction where, as here, “the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” Apple v. Glenn, 183 F.3d 477, 479 (6th Cir. 1999), *citing* Hagans v. Lavine, 415 U.S. 528, 536-537 (1974). Plaintiff is attempting to enforce a federal criminal statute that does not provide for “any private civil cause of action.” Berry v. Burgess, No. 13-11755, 2013 U.S. Dist. LEXIS 72169, at *4 (E.D. Mich.

May 22, 2013) *citing* Morganroth & Morganroth v. DeLorean, 123 F.3d 374, 386 (6th Cir. 1997).

“[A]s a private citizen, [plaintiff] has no authority to initiate a federal criminal prosecution of the defendants for their alleged unlawful acts.” Kafele v. Frank & Wooldridge Co., 108 F. App’x 307, 308-309 (6th Cir. 2004) *citing* Diamond v. Charles, 476 U.S. 54, 64-65 (1986).

Accordingly,

IT IS ORDERED that the complaint in this matter is dismissed for lack of subject matter jurisdiction.

S/ Bernard A. Friedman_____
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

Dated: July 3, 2013
Detroit, Michigan